



Ninety-Seventh Legislature - First Session - 2001
Committee Statement
LB 143

Hearing Date: January 24, 2001

Committee On: Government, Military and Veterans Affairs

Introducers: (Schimek, Beutler, Bruning, Janssen, Jones, Quandahl, Smith, Stuhr, Tyson)

Title: Adopt the Nebraska Archaeological Resources Preservation Act

Roll Call Vote – Final Committee Action:

Advanced to General File

Advanced to General File with Amendments

X Indefinitely Postponed

Vote Results:

5	Yes	Senators Aguilar, Burling, Quandahl, Smith, Vrtiska
1	No	Senator Schimek
1	Present, not voting	Senator McDonald
1	Absent	Senator Brown

Proponents:

Senator DiAnna Schimek
Rob Bozell
Judi Morgan
Dr. Peter Bleed

Representing:

Introducer
Nebraska State Historical Society
Nebraska Commission on Indian Affairs
Self

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 143 establishes the Nebraska Archaeological Resources Preservation Act. In addition to defining terms and outlining the purposes for the Act, the bill creates a State Archaeology Office within the Nebraska State Historical Society. The office will, among other things, coordinate and encourage archaeological undertakings, advise state agencies, political subdivisions and private entities as to the provisions of the Act, promote and preserve archaeological resources, and adopt and promulgate rules and regulations for the Act. The newly created State Archaeologist will head the State Archaeology Office.

Prior to the expenditure of any state funds, the head of any state agency having jurisdiction over a proposed state undertaking will cooperate with the State Archaeology Office to identify

measures to mitigate the effect of the undertaking on any archaeological site or resource which is included in or eligible for inclusion in the National Register of Historic Places.

The Department of Roads is exempt from the Act so long as it complies with federal historic preservation legislation, which must meet or exceed provisions of the Act.

The rights of private property owners will not be abridged by the Act, and no private property owners will be required to pay for State Archaeology Office activities. Also, no money received under the Act will be used for the purchase of private property.

Anyone knowingly and willfully tampering with archaeological resources on public land without written permission of the State Archaeology Office is guilty of a Class I Misdemeanor. Anything excavated or taken and any proceeds thereof shall be forfeited to the State. The State Archaeology Office may apply for temporary restraining orders or injunctions to halt any illegal act under the Act.

Finally, the State Archaeology Office may identify National Register of Historic Places sites that are endangered and cannot be protected under the Act and coordinate the purchase of the sites by other public or private agencies. The State Archaeology Office may not purchase properties itself.

Explanation of amendments, if any:

Senator DiAnna R. Schimek, Chairperson